

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|-------------------------------------|---------------------------|---|---|--|
| Investigator: Edward Tsigel | Team: Squad #4 | CCRB Case #: 201907542 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Saturday, 06/08/2019 10:42 PM | Location of Incident: [REDACTED] | Precinct: 25 | 18 Mo. SOL 12/8/2020 | EO SOL 7/25/2021 | |
| Date/Time CV Reported Mon, 08/26/2019 8:56 AM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Mon, 08/26/2019 8:56 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. Officers | | | |
| 2. POM Daniel Traylor | 02758 | 961442 | 025 PCT |
| 3. POF Briana Juliano | 01555 | 959717 | 025 PCT |
| 4. POM Robert Renz | 10375 | 961158 | 025 PCT |
| 5. POF Lauren Antola | 21238 | 962928 | 025 PCT |
| 6. POM Matthew Sichel | 01884 | 966338 | 025 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------------|-----------|--------|----------|
| 1. POM Duke Tortorici | 11136 | 965577 | 025 PCT |
| 2. POM Fausto Gomez | 13157 | 941930 | 025 PCT |
| 3. POM Nicholas Mcquail | 24018 | 963347 | 025 PCT |
| 4. POM Christophe Mitchell | 20399 | 945255 | 025 PCT |
| 5. POM Adam Milack | 21840 | 960100 | 025 PCT |
| 6. POM Frank Henenlotter | 10006 | 961809 | 025 PCT |
| 7. POM Vincent Pisano | 18213 | 960113 | 025 PCT |
| 8. POF Yuri Alvarez | 04552 | 964371 | 025 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|--|-----------------------------|
| A.POM Daniel Traylor | Abuse: Police Officer Daniel Traylor stopped § 87(2)(b) | [REDACTED] |
| B.POM Daniel Traylor | Force: Police Officer Daniel Traylor pointed his gun at § 87(2)(b) | [REDACTED] |
| C. Officers | Discourtesy: Officers spoke discourteously to § 87(2)(b) | [REDACTED] |
| D.POF Lauren Antola | Force: Police Officer Lauren Antola used physical force against § 87(2)(b) | [REDACTED] |
| E.POF Lauren Antola | Abuse: Police Officer Lauren Antola frisked § 87(2)(b) | [REDACTED] |
| F.POF Briana Juliano | Abuse: Police Officer Briana Juliano frisked § 87(2)(b) | [REDACTED] |
| G.POF Briana Juliano | Abuse: Police Officer Briana Juliano did not obtain medical treatment for § 87(2)(b) | [REDACTED] |
| H.POM Robert Renz | Abuse: Police Officer Robert Renz did not obtain medical treatment for § 87(2)(b) | [REDACTED] |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|--|-----------------------------|
| I.POM Matthew Sichel | Abuse: Police Officer Matthew Sichel did not obtain medical treatment for § 87(2)(b) | |
| § 87(4-b), § 87(2)(g) | | |
| | | |

Case Summary

On August 26, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On June 8, 2019, at approximately 10:42 PM, Police Officer Daniel Traylor, Police Officer Duke Tortorici, Police Officer Lauren Antola, Police Officer Briana Juliano, Police Officer Robert Renz, Police Officer Matthew Sichel, Police Officer Fausto Gomez, and additional witness officers, all of the 25th Precinct, responded to a shot fired radio run at § 87(2)(b) in Manhattan. PO Traylor stopped § 87(2)(b) in Manhattan and pointed his gun at him (**Allegation A – Abuse of Authority – § 87(2)(g)** (**Allegation B – Force – § 87(2)(g)** Officers allegedly spoke discourteously to § 87(2)(b) (**Allegation C – Discourtesy – § 87(2)(g)**)). PO Antola allegedly tackled § 87(2)(b) and dug her fingernails into his arm (**Allegation D – Force – § 87(2)(g)** PO Antola and PO Juliano frisked § 87(2)(b) (**Allegations E and F – Abuse of Authority – § 87(2)(g)** § 87(2)(b) was arrested for criminal possession of a weapon, menacing with a weapon and for disorderly conduct. PO Juliano, PO Renz, and PO Sichel transported § 87(2)(b) to the 25th precinct stationhouse. PO Juliano, PO Renz, and PO Sichel allegedly failed to obtain medical treatment for § 87(2)(b) (**Allegations G, H, and I – Abuse of Authority – § 87(2)(g)** § 87(2)(g), § 87(4-b)

This was originally assigned to Investigator Shola Gbemi and was reassigned to Investigator Alyssa Rogowski upon Investigator Gbemi's departure from the CCRB. This case was reassigned to Investigator Edward Tsigel upon Investigator Rogowski's departure from the CCRB. The CCRB received 13 Body Worn Camera (BWC) videos of this incident (IA 43-55).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Daniel Traylor stopped § 87(2)(b)

Allegation (B) Force: Police Officer Daniel Traylor pointed his gun at § 87(2)(b)

It is undisputed that § 87(2)(b) (BR 01) verbally threatened § 87(2)(b) and that an unknown festival bystander yelled out that § 87(2)(b) had a gun. It is also undisputed that PO Traylor (BR 02) stopped § 87(2)(b) and pointed his gun at him.

§ 87(2)(b) (BR 01) stated that on June 8, 2019, at approximately 10:42 PM, he was at a street festival § 87(2)(b) in Manhattan. § 87(2)(b) got into a verbal dispute with his brother in law, § 87(2)(b) (full name unknown), who told § 87(2)(b) "You're a dead man." § 87(2)(b) pointed at § 87(2)(b) and yelled, "You're a dead man too." § 87(2)(b) heard an unknown festival bystander yell that § 87(2)(b) was reaching for a gun. § 87(2)(b) did not have a gun on him and did not reach anywhere. A group of officers approached § 87(2)(b) and surrounded him with their guns pointed at him.

This allegation was pled against PO Traylor, because BWC footage (IA 43-55) revealed that he was the only officer who drew and pointed his gun at § 87(2)(b)

PO Traylor (BR 02) stated that the initial radio run involved a report of shots fired at § 87(2)(b) in Manhattan. PO Traylor and PO Tortorici responded to the scene with approximately ten other officers. An unknown woman walked up to PO Traylor, pointed at § 87(2)(b) and told PO Traylor that § 87(2)(b) was known to carry a gun. Simultaneously, PO Traylor heard § 87(2)(b) verbally threaten § 87(2)(b) heard another unknown festival bystander yell, "He has a gun," and saw § 87(2)(b) reach into his waistband. This made PO Traylor believe that § 87(2)(b) had a gun on him and was attempting to use it against § 87(2)(b) PO Traylor ran towards § 87(2)(b) drew his gun, pointed it at him, and told him to get on the ground to preserve § 87(2)(b) Vasquez's and the public's safety.

From 0:15 to 0:45 of PO Traylor's BWC footage (BR 06), PO Traylor runs towards § 87(2)(b) draws his gun, and points it at § 87(2)(b) PO Traylor commands § 87(2)(b) to "Get to the ground" four times while pointing his gun at him. § 87(2)(b) does not get on the ground but does put his hands in the air. PO Traylor holsters his gun and takes § 87(2)(b) to the

ground with the aid of PO Tortorici, PO Antola, and PO Gomez.

PO Tortorici (BR 03), PO Antola (BR 04), and PO Juliano (BR 05) all stated that they did not draw or point their guns at § 87(2)(b). Other than PO Traylor, they did not see any other officer draw or point their gun at § 87(2)(b). They all stated that they heard § 87(2)(b) verbally threaten § 87(2)(b) and heard another unknown festival bystander yell that § 87(2)(b) had a gun. They all saw § 87(2)(b) reach into his waistband, and they all believed that he had a gun and was attempting to use it against § 87(2)(b).

NYPD Patrol Guide Procedure 212-11 (BR 11) states that if an officer has reasonable suspicion that an individual is about to commit a crime, they may stop and detain the person for the purpose of conducting a criminal investigation. NYPD Patrol Guide procedure 221-01 (BR 12) states that officers may draw, or display firearms based on an articulable belief that the potential for serious physical injury is present. When an officer determines that this potential is no longer present, he or she will holster their firearm as soon as is practicable.

§ 87(2)(b), § 87(2)(g)

Allegation (C) Discourtesy: Officers spoke discourteously to § 87(2)(b)

§ 87(2)(b) (BR 01) stated that when the officers initially surrounded him, multiple unknown officers yelled, “Put your fucking hands in the air.”

PO Traylor (BR 02), PO Tortorici (BR 03), PO Antola (BR 04), and PO Juliano (BR 05) all stated that they did not use profanity towards § 87(2)(b). § 87(2)(b) did not say “Put your fucking hands in the air,” and did not hear any other officer use any profanity at any time.

From 0:00 to 0:30 of PO Traylor’s BWC (BR 06), PO Traylor is running towards § 87(2)(b) and there is no audio. At 0:30 audio begins, and PO Traylor is heard repeatedly telling § 87(2)(b) to “Get to the ground.” At no point in PO Traylor’s BWC or any other BWC footage (IA 43-55) does any officer use profanity towards § 87(2)(b) or say, “Put your fucking hands in the air.”

§ 87(2)(b), § 87(2)(g)

Allegation (D) Force: Police Officer Lauren Antola used physical force against § 87(2)(b)

§ 87(2)(b) (BR 01) stated that after he was surrounded, an unknown officer approached him from his left, tackled him, and pulled him to the ground. The same officer then dug their fingernails into § 87(2)(b)’s arm and left marks.

It is undisputed that § 87(2)(b) was taken down to the ground by officers.

This allegation was pled against PO Antola because she was the only officer who approached § 87(2)(b) from his left side and participated in his takedown. From 0:00 to 0:20 of PO Antola’s BWC (BR 07), PO Antola, PO Traylor, PO Tortorici and PO Gomez take § 87(2)(b) down to the ground. BWC footage (IA 43-55) does not provide a clear angle of § 87(2)(b) being taken down by the four above mentioned officers. At no point throughout any BWC videos is PO Antola or any other officer seen digging their nails into § 87(2)(b).

PO Antola (BR 04) stated that she did not tackle § 87(2)(b) and did not dig her nails into his arm or anywhere else. PO Traylor (BR 02), PO Tortorici (BR 03), and PO Juliano (BR 05) all stated that they did not see PO Antola or any other officer tackle § 87(2)(b) or dig their nails

into him.

§ 87(2)(b), § 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Lauren Antola frisked § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Briana Juliano frisked § 87(2)(b)

It is undisputed that PO Antola (BR 04) and PO Juliano (BR 05) frisked § 87(2)(b) around his waistband.

§ 87(2)(b) (BR 01) stated that once he was on the ground, unknown officers looked through his waistband, and located a pocketknife that was clamped to his pants.

From 0:30 to 1:10 of PO Traylor's BWC (BR 06), multiple officers take down § 87(2)(b) to the ground. He tells the officers that he does not have a gun. PO Traylor says, "You reached for it, I saw it." The officers handcuff § 87(2)(b). PO Traylor tells officers, "Okay, now check him. He reached for the front, right here," and points to the right side of § 87(2)(b)'s waistband. PO Antola and PO Juliano pat down the right side of § 87(2)(b)'s waist band and find a pocketknife. 0:15 to 0:40 of PO Antola's BWC video (BR 07), and 0:30 to 1:00 of PO Juliano's BWC (BR 08) show different angles of the frisk.

As mentioned above, PO Antola and PO Juliano both stated that they saw § 87(2)(b) verbally threaten another individual and heard a bystander say that he had a gun. They both believed that § 87(2)(b) was in possession of a gun and was attempting to use it. PO Antola (BR 04) and PO Juliano (BR 05) both stated that they frisked § 87(2)(b) around the waistband area because they saw him reach for his waistband and wanted to check if he had a gun. They stated that they were concerned for the safety the officers and the bystanders at the scene.

NYPD Patrol Guide Procedure 212-11 (BR 11) states that if at any time an officer has reasonable suspicion that an individual is armed and dangerous, they may frisk the individual.

§ 87(2)(b), § 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Briana Juliano did not obtain medical treatment for § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Robert Renz did not obtain medical treatment for § 87(2)(b)

Allegation (I) Abuse of Authority: Police Officer Matthew Sichel did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) (BR 01) stated that he was arrested, placed into a police car, and was transported to the 25th precinct stationhouse. He told the officers who transported him that he had to be taken to the hospital because he was going to faint due to the tightness of his handcuffs. Additionally, at the stationhouse, he stated that his wrists were bleeding and he requested alcohol and a band-aid to clean his wounds. § 87(2)(b) did not direct this request towards any officer in particular.

BWC footage shows that PO Juliano (BR 08), PO Renz (BR 09), and PO Sichel (BR 10) transported § 87(2)(b) from the incident location to the 25th precinct stationhouse. From 5:30 to 8:00, PO Renz's BWC footage (BR 09) shows the entire drive to the stationhouse. § 87(2)(b) repeatedly mentions that his handcuffs are too tight, and repeatedly requests officers to loosen his handcuffs. § 87(2)(b) never makes a request for medical attention or appears to be injured.

PO Traylor's BWC footage (BR 06) captures the entire incident inside the 25th precinct stationhouse. From 8:20 to 13:00, § 87(2)(b) is brought into the stationhouse by multiple

officers and has his arrest processed at the front desk. Between 13:00 and 16:34, PO Traylor brings § 87(2)(b) to a cell, uncuffs him, searches him, and puts him into the cell. § 87(2)(b) never requests alcohol, band-aids, or any medical attention. At 15:10, it is clearly seen that § 87(2)(b) is not injured and his wrists are not bleeding.

PO Juliano (BR 05), PO Traylor (BR 02), PO Tortorici (BR 03), and PO Antola (BR 04) all stated that § 87(2)(b) never appeared to be injured and never made a request for any medical treatment during the drive or at the stationhouse.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Traylor has been a member of service for four years and has been a subject in two CCRB complaints and eight allegations, none of which were substantiated. PO Traylor's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Antola has been a member-of-service for three years and this is the first CCRB complaint to which she has been a subject.
- PO Juliano has been a member of service for four years and has been a subject in four CCRB complaints and twelve allegations, none of which were substantiated. PO Juliano's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Renz has been a member of service for four years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. PO Renz's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Sichel has been a member of service for two years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. PO Sichel's CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- § 87(2)(b) filed a notice of claim with the City of New York claiming false arrest, false imprisonment, assault, battery, assault with a deadly weapon, improper use of excessive force, intentional and negligent infliction of emotional harm, negligence,

negligent hiring and retention, negligent supervision and training, abuse of process, malicious prosecution and violation of civil rights (BR 17).

- § 87(2)(b) [REDACTED]

Squad No.: 4

Investigator: Edward Tsigel Investigator Edward Tsigel 11/04/2020
Signature Print Title & Name Date

Squad Leader: Raquel Velasquez IM Raquel Velasquez 11/10/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date